

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

SHEILA NUSS

Claimant

VS.

GREAT BEND INDUSTRIES

Respondent

AND

ROYAL INSURANCE COMPANY

Insurance Carrier

AND

LIBERTY MUTUAL

AND

KANSAS WORKERS COMPENSATION FUND

Docket No. 183,141

ORDER

ON the 18th day of January, 1994, the application of the respondent for review by the Workers Compensation Appeals Board of a Preliminary Hearing Order entered by Administrative Law Judge George R. Robertson on December 10, 1993, came on before the Appeals Board for oral argument by telephone conference.

APPEARANCES

Claimant appeared by her attorney, Robert L. Feldt, of Great Bend, Kansas. Respondent, Great Bend Industries, and its insurance carrier, Royal Insurance Company, appeared by their attorney, Mark J. Hoffmeister, of Overland Park, Kansas. The insurance carrier, Liberty Mutual, appeared by its attorney, Jerry A. Ward, of Great Bend, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Richard L. Friedeman, of Great Bend, Kansas. There were no other appearances.

RECORD

The record before the Appeals Board is the same as that considered by the Administrative Law Judge as stated in the Order of December 10, 1993.

ISSUES

The respondent, Great Bend Industries, and its insurance carrier, Royal Insurance Company, have requested a review of the Preliminary Hearing Order of Administrative Law Judge George R. Robertson, dated December 10, 1993, in which the Judge has ordered payment of temporary total disability and medical benefits by the respondent and Royal Insurance Company. The issue addressed in this review is:

- (1) Whether claimant sustained a compensable work related accident in June, 1993.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- (1) For preliminary hearing purposes, the Appeals Board adopts those findings and conclusions of Administrative Law Judge George R. Robertson as set forth in his Order of December 10, 1993, that are not inconsistent with the findings specifically set forth below.

Claimant has worked for respondent since November, 1976, performing the jobs of quality control inspector and machine operator. On June 11, and June 25, 1993, claimant was performing a job duty called magnifluxing and experienced increased pain in her neck and left shoulder regions. Claimant reported the incident to the respondent and was referred for medical treatment. The treating physician took claimant off work as of August 18, 1993, and is treating claimant with medication, TENS unit, and rest.

There is evidence the claimant has experienced problems with her neck and left shoulder since 1989, but she has either experienced a new injury or aggravation of a preexisting condition as a result of her work activities with the respondent in June, 1993.

For preliminary hearing purposes, the claimant has established a compensable work related incident in June, 1993, for which she is entitled to workers compensation benefits from the respondent and Royal Insurance Company.

AWARD

WHEREFORE, it is the finding, decision and order of this Appeals Board that the Order of Administrative Law Judge George R. Robertson, dated December 10, 1993, is affirmed in all respects.

IT IS SO ORDERED.

SHEILA NUSS

3

DOCKET NO. 183,141

Dated this ____ day of January, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Robert L. Feldt, P.O. Drawer 338, Great Bend, Kansas 67530
Mark J. Hoffmeister, 10975 Benson, Suite 370 Overland Park, Kansas 66210-1581
Jerry A. Ward, P.O. Drawer 2005, Great Bend, Kansas 67530
Richard L. Friedeman, P.O. Drawer 1110, Great Bend, Kansas 67530
George R. Robertson, Administrative Law Judge
George Gomez, Director